109 A

Department of Land Rev and Sett

OFFICE Board of Revenue

STATION Chepauk

Mis **No.** 1907

G 17407/29

Dated 3- 7- 29

To whom sent	Date Initia Given for copying Copied Examined Signed Given for despatch Despatched Indexed To be destroyed on*
Pages in the file	

(SUBJECT.)

Survey - Resurvey - (South Kanara)
Encroachments - Land value
back assessment - Levy orders
passed - G. O Communicated

44 -

Ref.No.3644-29-A.2.

South Kanara Collector's Office,
Mangalore, 22nd April 1929.

From

G.W.Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement, Madras.

Sir,

Survey - Resurvey - (South Kanara) - Encroachments - Back assessment - Levy for 10 years - Levy of site value - orders --- requested.

Refce:- Board's proceedings Mis.No.709, L.R. & S. dated 7-3-29 and Mis.No.1012, L.R. & S. dated 8-4-29.

In para 1(b) of G.O.No.Mis.2044, Rev. dated 3-9-28, the Government directed that back assessment and market value should not be collected for the excess area found at the resurvey and subsequently laid down in G.O.Mis.No.2555, Rev. dated 30-10-28 that the first order was not applicable to encroachments on -- accretions and formations in rivers in this district.

2. In para 2(b) of G.O.Mis.No.173, Rev. dated 25-1-29, communicated with the Board's Proceedings first quoted above it has been laid down that the charge on account of back --- assessment on these lands should be limited to 10 years and at the same time discretion has been given to the Special Settlement Officer to waive even this charge when the land gained by --- accretion is balanced by the land lost by erosion in the same holding. Para "4" (evidently a mistake for "3") of the said G.O. lays down that the orders should be applied mutatis mutandis to other areas and that the principles described in paras 2 and 3 (evidently a mistake for para 2 (a) and (b)) should be followed in the case of poramboke and assessed waste land. In G.O.No. Mis.661, Rev dated 27-3-29 communicated with B.P.Mis.No.1012, L.R. & S. dated 8-4-29 it has, however, been ordered that no -- back assessment or land value should at all be levied by the Settlement Department in the case of kumakis and assessed ---

waste lands assigned or to be assigned by that Department at the resettlement. The Special Settlement Officer has also been asked to submit to the Government lists of unauthorised occupations of kumakis and assessed waste lands in all villages, with a view to decide whether any special measures should be undertaken during the resettlement for the assignment and assessment of occupied kumakis and assessed waste lands in areas which have not been and are not to be resurveyed. From these orders it is a possible inference that, except in the case of assignment of kumakis and assessed waste lands, where separate orders are expected as contemplated in para 4 (4) of the G.O.last quoted no back assessment can be charged for more than 10 years, whether these cases are dealt with by the Special Settlement Officer or by the Revenue Department. This, however, is only an inference and the series of orders is one relating to the resettlement and resurvey. I therefore request the favour of instructions --- whether these orders relate only to the work of the Settlement and Survey Departments, or are to be followed by the Collector and his subordinates in the current and future revenue work. In this connexion, I solicit attention to my letter Ref.on A.2-8623-28, dated 12-12-28, in which I quoted B.P.No.78. L.R. dated 8-4-1909. the purport of which was that ordinarily back assessment should not be charged for more than 10 years. As there have been cases in which occupation for more than that period has been alleged or admitted by parties, I request orders whether in charging back assessment the period of 10 years is in no case to be exceeded.

3. Coming to the question of assignment of kumaki lands, I have to state that it has been the practice hitherto in this district to assign to the wargdars their kumaki lands which were walled in without permission subsequent to settlement and to allow them to enjoy free of assessment only such kumakis as contained pre-settlement enclosures or which were enclosed after settlement with permission. G.O.No.His.661, Rev. dated 27-3-29 is, I understand, being quoted by ryots in their appeals to --- Revenue Divisional officers as an authority for non-assignment

of kumakis, merely on the ground that they are walled in without being permanently occupied by means of wet cultivation etc. I, therefore, solicit instructions whether this G.O. is to be followed in ordinary revenue work in the Kasargod and other taluks of this district or whether it is applicable only to assignment by the Settlement Department.

3

4. As regards the question of the levy of site value, I invite your attention to para 4 (evidently a mistake for para 3) of G.O.Mis.No.173, Rev. dated 25-1-29, in which it has been ordered that alleged encroachments which escape the notice of the Settlement Officer will be dealt with in the usual course by the revenue authorities. Is it intended by the use of the above words that all lands whether river accretions or formations or other porambokes or Government waste dry, which are valuable can be dealt with under para 22 of B.S.O.No.15 and site value collected thereon?

4

Pr 40-41 (W) 5. In Board's Order Ref.G.4296/28-3 dated 3-4-29, the 30th of June 1929 has been laid down for the receipt of refund applications and it has been ordered that this fact should be given wide publicity by being notified in the District Gazette. I have accordingly issued a notice, which may already have been printed by the Superintendent, Government Press, Madras. The Special Settlement Officer has suggested that it may be withheld. on the ground that refunds will have to be made automatically in accordance with G.O.No.Mis.661, Rev. dated 27-3-29 I, however, think that the orders in this G.O. are applicable only to refunds relating to kumakis and assessed wastes and not to other porambokes etc. I therefore, think that notice is necessary and am allowing publication to proceed. I solicit orders.

para (3) 1.p.27 (V)

orders have already been passed that refunds should be automatic. vide Pr 42-43 9 (W)

Your obedient servant,

for Collector. 29.4.29

mon 29.4.29

Survey - Resurvey - South Kanara Dt.- Encroachments - Land Value and back assessment - Levy- Letter from the Collr Orders passed.

G. 1748/29 --------Q

Refer G 1748/29-1 dt 10-6-29

Resolution

para 1(b) p 85 (A)

In G.O.Mis.No.2044 Revenue, dated 3-9-28 as modified by G.O.Mis.No. 173 Revenue dated 25-1-1929 Government laid down that no land value or back assessment should be charged on encroachments assigned or merged with the holdings in the course of the resurvey operations in the South Kanara Dt., except in the case of river accretions, that in these cases no payment other than back assessment should be levied and that the charge on this account shd. be limited to 10 years" assessment. The S.S.O. was at the same time permitted to waive even this charge in cases where the land gained by accretion was balanced by land lost by erosion in the same holding. It was also laid down that the above orders should be followed mutatis mutandis during the supplemental survey of the areas in which there will be no regular resurvey and that encroachments in those that escape the notice of the Sett. Officer shd. be dealt with in the usual course by the Revenue Department.

Mr 5-8 (N)

VIII 10-6-29

para 2 p 7 (N)

para 4 (N)

ees

para 4 pp 25-27 (V)

Again in G.O.No.661 Misc., dated 27-3-29 Government directed that no assignment of kumaki land shd. be made i the Sett. Deptt. unless such land had

had been reduced to effective occupation and that back assessment or land value shd. not be levied in cases of assignments of kumakis and assessed wastes.

2. In his letter read above, the Collr. solicits orders on the following points:-

(1) whether the instructions referred to above regarding the levy of site value and back assessment shd. be held applicable only to the work of the Sett. and Survey Departments or are to be followed by the Collr. and his subordinates in the ordinary course of revenue administration;

(2) whether back assessment shd. not be levied for more than 10 years even in cases where occupation for more than that period is admitted by the parties;

(3) whether the orders prohibiting the assignment of kumaki lands unless their occupation is effective are intended to apply only to assignments by the Sett. Deptt. or also to assignments to be made by the Revenue Department and

(4) whether in the case of ~~tracts~~ area not resurveyed, land value may not be collected under paragraph 22 of B.S.O. 15 in the case of assignments of valuable lands such as river accretions etc. when alleged encroachments which escape the notice of the Sett. Officers are dealt with in the usual course by the Revenue authorities.

3. The Board proposes to issue the following ~~proceeds to pass~~ instructions ~~orders~~ on the several points raised by the Collr ~~referred to above~~ and requests the prior approval of Govt.

Point (1)--The orders of Government prohibiting the levy of land value and

and back assessment on alleged encroach-ments were based on the ground that owing to inaccuracies in the old survey it would not be possible to differentiate between cases of real encroachments and cases of defective demarcation at the original survey. ~~These orders shd. apply only to the work of the Sett. Deptt. and to the current revenue work which are based on the old survey records, and not to future revenue work based on the resurvey records.~~ They should not, therefore, be held to apply to ~~tracts~~ areas which have been resurveyed. In those ~~tracts~~ areas there is no objection to collect land value and back assessment in respect of encroachments made on the basis of the resurvey records ~~when encroachments detected and established by~~ ~~are~~ assigned ~~in future~~. In ~~tracts~~ areas not resurveyed the instructions issued by Government should be held to be applicable to alleged encroachments detected by the Revenue Deptt. in future.

Point (2) The orders of the Government are definite on this point. In no case should back assessment be levied for more than ten years.

Point (3) No kumaki land shd. be assigned whether by the Sett. or by the Revenue Deptt. unless it has been brought to effective occupation.

Point (4) The intention of Government is that land value on all encroachments in the ~~tracts~~ areas referred to should be waived whenever detected and assigned.

4. With reference to paragraph 5 of

of his letter, the attention of the Collector is invited to Board's Reference G. 4296-28-4 & 27.4-1929 in which the orders issued in Mis Rly G.No 4296-28-3 dated 3-4-1929 were cancelled. Refunds should be made automatically in all cases and no applications are necessary for the purpose. Orders on the remaining points raised by the Collr will be issued separately 1.6.29.

Pt 42-4 (W)

Pt 40-41 (W)

DLW 4/6.

I am inclined to think we should get these proposed standing accepted by Govt. before we move the Collr.

DLW 4/6

I agree CWS 5/6

~~To the Collr. of South Kanara.~~
~~" S.S.O.No.IV Party, Paras 1-3 only~~
To the Secy. to Govt. R.D. paras 1-3 only

with copy of the collector's letter.

To the Collr. of South Kanara para 4 only

8

Sectt. II-15 (a)—36,000—21-1-29.

GOVERNMENT OF MADRAS

BOARD OF REVENUE
28 JUN 1929
LAND REV. & SETTLEMENT

G.2770

Received ..... 192 . *Registered* Bv.s 192
28 JUN. 1929

Abstract.

Survey - Resurvey - (South Kanara) - Encroachments - Land value and back assessment - Levy - Letter from the Collector - Orders passed -

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REVENUE DEPARTMENT.

G.O. No. 1256 **dated** 26th June 1929..

READ the following paper:—

G.O.No.	2044	Revenue dated	3rd September 1928,
G.O.No.	2555	Revenue dated	30th October 1928
"	173	"	25th January 1929
"	661	"	27th March 1929.

ENCLOSURES.

No.

From the Board of Revenue, Land Revenue and Settlement, No. G.1748/29-1, dated 10th June 1929.

*****

O R D E R :-

The instructions which the Board of Revenue proposes to issue on the several points raised by the Collector of South Kanara in his letter No. 3644-29-A-2, dated 22nd April 1929 are approved.

(By Order of the Governor in Council)

H. R. Pate,
Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).

****

F o r w a r d e d.
(By Order)

Superintendent.

Subject.— 9

R. F. XXII-A-19.—26,004-31-1-29 (6).

FOR MEMBER.

A.S.(Sett)

Survey – Resurvey – (South Kanara) Encroachments – Land value and basti assessment – Levy – orders passed – G.C Communicated.

READ AGAIN B. P. No. _____, dated _____ 192

" " " _____, " _____ 192

READ ~~No.~~ G1748 B.O. Rept 1745/29-1 dy 10-6-29 – Q

Register No. G2770/29, From the Govt. R.D. _____, No. A., dated _____ 192

" " _____, " " _____, " _____, " _____ 192

" " _____, _____, " _____, " _____ 92

RESOLUTION. Misc No. 1900, dated 3-7-1929.

Communicated to the Collector of South Kanara

Letter 3.7.29

8a 2.7.29 JJA 2.7.29

The Colltr. of South Kanara with an extract of paras 1 to 3 of B.O. Rept. G1748/29-1 dy 10.6.29

Copy to S.O. IV Pgh

Pp 4 to 6 ff to be copied & sent

Fr-time JJA 3.7.29

M3
B
As (Gata)
B pedia

10

Survey. Resurvey. South Kanara. Encroachments. Land Value and back assessment.

Intro B.

From the Collr. of South Kanara Rey 3644-29 A2 d 22.4.29.

To Asst Srey

Please see the reference from the Collr of South Kanara. in the Cf.

2 Before dealing with the several points raised in the Collrs reference the following resume of the recent orders of the Govt in regard to the collection of land value & back assessment on encroachments in the South Kanara dt may be noted.

Para 2(2) pb 13

1) No attempt should be made during resurvey to treat any occupation of land at the disposal of Govt as encroachment merely with reference to the old survey records unless the occupation is the subject of public representation (eg by ryots in general or local bodies) and is found definitely to prejudice the utility of the perambuke in which case the asst. Officer should definitely fix the occupation as encr & satisfy himself by other evidence that it is really an encr; or in other words, perambuke measurements to the state of the ground at the survey should be taken as correct unless and until objections are received either from the ryots or LBds.

2 No back assessment on land value should be collected in cases of assignments whether of perambuke regions.

except of river accretions. In these excepted cases only back assessment for not more than 10 years can be charged, but not site value. In charging such back asst the Settl Offr may take into account the gain and loss ~~sustained~~ in a holding ~~as~~ resulting from accretion and erosion.

The above orders apply to non resurveyed talukas as far as may be necessary.

3 (a) As regards kumaki it has been ordered that no general attempt should be made at the result to define the limits within which individual ryots may or do exercise their kumaki privileges or to make any assignment of kumaki land which has not been reduced to effective occupation. As to what is meant by effective occupation please see para 4 (2) (i) at pp 25-26 (V). para 11 p 2 (V)

(b) No back assessment or land value should be levied when kumaki lands are assigned.

4) All charges hitherto levied as b.a. or land value under the orders of the Sett Offr should be refunded.

3 Para 2 of the Collr's letter. p. 2 cf.

The Collr solicits orders on his points marked (1) & (2) at p. 2 cf.

Point (1) Whether the orders prohibiting the levy of site value and back assessment are intended to apply only to assignments made during resurvey & resettlement or are to be followed by the Rev dept in the current and future work. The orders mainly refer to

assignments made in the Course of resurvey & resettlement. On principle, however, it appears that the above orders should be followed by the Rev dept also so long as they act on the old survey record since the only reason for waiving land value & back assessment the orders of first prohibiting such was that the old survey was incorrect & unreliable. In the levy of site value and back assessment on alleged encroachments were based on the ground that it was not possible to differentiate between Cases of real encroachments and Cases of defective demarcation at the original survey. Now that such cases will be dealt with by the Sett dept as well as the current revenue work. They do not strictly apply to future revenue work in Cases in which the boundaries have been fixed either during resurvey or supplemental survey.

(Sd) K.B.L. 11.5.29.

I agree that the argument above is logical but I think that it introduces unnecessary complications about working it in practice. I propose to come now to a proposal to assign an early date - say April 1931 - from which the land value shall be charged & to levy back assessment for the period 1.4.27 to 31.3.29 on encroachments detected & removed in the course of resurvey & resettlement. Thereafter no back assessment should be levied in any case. If the encroachment is detected in the course of resurvey & resettlement, back assessment for the period between the date of the encroachment & the date of detection should be levied. In any case of waiving back assessment for more than 10 years in cases where encroachments on old Revenue occupation are detected in the course of resurvey & resettlement, I propose that the Sett dept should levy back assessment for the full period of encroachment (even beyond 10 years). I agree with Sankaran.

Point (1) Whether land values like kasara pod should be waived in cases where the old survey records are found incorrect & unreliable. Such cases will be dealt with by the Sett dept after the resurvey is completed. So also in the new resurveyed taluks in cases where the Sett officer relays the boundary of a paramboke either as a result of supplemental survey or on inspection of Bd A mem there will be no necessity to extend the Concession to future encroachments. The order may perhaps be confirmed that the orders now in question will not apply to encroachments in paramboke whose boundaries are relaid either in the Course of the resurvey or supplemental survey. In other cases they will hold good.

It may be pointed out in this Connection that as all paramboke will be inspected by the Sett officer in the course of resettlement as new to their reclassification during resettlement, there may be many cases where the Concessions were granted by first will have to be extended during maintenance. (The question whether L.F. paramboke also shd be inspected & classified by the Sett officer has been referred to first).

Point (2) Whether back assessment can be levied for over 10 years in cases where occupation for more than that period is admitted. It is not clear apparently why the

Collr raises the question as to Govt have ordered that no back assessment should be levied on assignments of evets except in the case of riv accretions. that such assessments already levied shd be refund that b.a. on riv accretions should be limited to 6 years. It is obvious therefore that back assessment should not be levied for more than 10 years in any case. Govt knew when they passed the above order that back assessment for more than 10 years was levied only in those cases where the parties admitted occupation for more than that period. (It may be noted that this question shd arise only after 10 years after the introducing of resettlement). The Collr may be informed that, in view of the orders of Govt that no backassts shd be levied & that all the amounts so collected shd be refunded, except either ~~riv accretions~~ the evets are riv accretions, this question does not arise at present.

The orders of G.O. are definite on this point. In no case should back assessment be levied for more than 6 years

CR
11.5.49

Para 3 Govt have ordered that no Kunaki land should be assigned unless it has been brought to effective occupation and that no assignment should be made merely because the ryots have enclosed them by bunds ~~raised embankments~~ without taking the necessary permissions. The Collr solicits his instructions whether these orders should be held to apply to assignments by the Revdept. There is apparently no reason

Where also the orders of Govt. are definite! No encroachment should be assigned which has not been reduced to effective occupation whether by the Sett. or the Rev Dept.

Tebbs
11.5.09

DMS. 12/5

why a distinction should be made between assignments by the Rev dept and assignments by the Sett. dept.

For orders if the Colls may be informed that the same principle (as laid down by Govt) should be followed in assignments by the Rev dept also.

CG
Corry

Para 4 There seems to be no justification for treating encroachments that escape the notice of the sett. dept. as differently from those dealt with by that dept, so long as in both cases the encroachments are determined with reference to the old survey records. If this is correct the Rev dept cannot charge any land value in any case where the land in question is valuable or not.

CG
Tebs. 29

Cases which escape the notice of the Sett. officer and which will subsequently be dealt with by the Rev. dept. have to be dealt with on the principles laid down by Govt. except those in which it can be shown that the encroachment is real and not the result of defective demarcation of the original survey.

Tebbs
11.5.09

I should say that Govt. intend to waive all value on all such encroachments detected & assigned here.

DMS

P.To.

Para 5

The Board has already ordered that applications for refunds need not be insisted on and that they may be automatic.

Vide Bds Rep Q. 4296. 28.6 & 2764. 4 pp 42-43 (W) ~~Letter dft~~.

The Collector may be informed that the Bd's order Dt 3.4.29 MA 15.4. referred by the Coll has been cancelled.

Letter 11.6.29 RLW 1.7.29

QZ 10.5.29

I would put up the make copy of our refer. regd to Govt. so that they can put in reply if any.

RLW 1.7.29. Yes 2/5/29

M2 - S Asst Secy

To Asst. Secy.

Thro B

Draft submitted.

Please arrange to see B.P. to B Secy after issue

The decision on point (1) at p. 3 above apparently applies only to Villages not resurveyed. The instructions of Govt. cannot apply to encroachments that may later be detected by the Rev. Dept in Villages resurveyed. The draft is for approval.

MA 28.5.29 JJH 29.5.29 29 30.5.29 LR 30.5.29

This Dft should not be in the meaning of the G.O. There is no point in having resurveyed if we are not going to make out the reasons in each

Letter 1.6.29

I have attempted a redraft of the sentence dealing with this point which I think makes it clearer — I do not think an encroachment at the time of resurvey is detected by the Settlement Officer but by the Revenue Dept in villages when it comes to the Revenue Dept

RLW 4/6

16

Secy

Please see Hr's order on page 4 of the draft below.

The first sentence of para 3 of the draft may be altered as follows " The Bd. propose to issue the following instructions on the several points raised by the Coll^r. and request Govt^t that they may be approved

The following may be added to para 4 of the draft " Orders on the remaining point raised by the Coll^r. will be issued separately

KRy
8.6.29

Ben
7/6

~~Send letter to Govt. accordingly~~

Ben.
9/6